

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	CASE NUMBER: <u>19-MJ-7114-MAB</u>
Plaintiff,)	
)	
vs.)	Title 18, United States Code,
)	Sections 922(g)(1) and 924(a)(2)
KENNETH C. WALTON,)	
)	<u>FILED UNDER SEAL</u>
Defendant.)	

CRIMINAL COMPLAINT

I, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Jeremy Johnson, duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

UNLAWFUL POSSESSION OF A FIREARM BY A PREVIOUSLY CONVICTED FELON

On or about September 18, 2019, in St. Clair County, within the Southern District of Illinois,

KENNETH C. WALTON,

Defendant herein, having been convicted of Unlawful Possession of a Firearm by a Previously Convicted Felon on February 27, 2012, in the United States District Court for the Southern District of Illinois, a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in or affecting commerce, the following firearm: a Taurus, Model PT111 G2, 9mm, semi-automatic pistol, bearing serial number TJX18190, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

AFFIDAVIT

I further state that I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and that this Criminal Complaint is based on the following facts:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since June 2018. As such, I investigate violations of federal and state firearm and controlled substance laws, including violations under Title 18, United States Code, Sections 922 and 924, and Title 21, United States Code, Sections 841 et seq. I have been in law enforcement for approximately 3 years. From 2016-2018, I was employed as a police officer with the St. Louis Metropolitan Police Department, where I often seized controlled substances and firearms during patrol.

2. I received training regarding federal firearms and controlled substance laws at the Federal Law Enforcement Training Center and the ATF National Academy. Prior to that, I received training through the St. Louis Metropolitan Police Department Academy to serve as Police Officer in St. Louis, Missouri.

3. The information in this affidavit comes from my personal observations, my training and experience, and information obtained from other law enforcement officers and public records. This affidavit is for the limited purpose of establishing probable cause to charge the Defendant with the offense charged herein, and does not include everything known about the investigation.

4. On September 18, 2019, ATF received information from the United States Marshal Service (USMS) that the Defendant, a previously convicted felon, was in possession of a firearm in East St. Louis, Illinois.

5. United States Deputy Marshal Tom Woods advised that he and other Deputy Marshals arrived at 461 N. 21st Street, East St. Louis, Illinois, to execute an arrest warrant for Lorenzo Elem for parole violations. Elem, who is on electronic monitoring, was determined to be “in range” of 461 N. 21st Street, East St. Louis.

6. When the Deputy Marshals arrived at 461 N. 21st Street, East St. Louis, they observed a Chevrolet Malibu parked in front of the residence with a male sitting in the driver's seat. Deputies ordered the male to show his hands. The male raised his hands, but then lowed them out of view. Deputy Woods instructed the male to keep his hands raised and do not drop them. The male replied, "I just got weed," and threw a clear plastic baggie of suspected marihuana out of the driver's side window.

7. Deputy Marshals ordered the male to exit the vehicle and get on the ground. While securing the male with handcuffs, Deputy Woods observed a black semi-automatic pistol laying on the floorboard of the Malibu. The male identified himself as Kenneth Walton.

8. ATF Special Agent Duane Clauer arrived at the scene, photographed the firearm, removed it from under the driver's seat, and secured it. Agent Clauer also secured a baggie of suspected marihuana thrown from the driver's side window of the Malibu by Walton, and secured another baggie of marihuana located between the driver's seat and driver's door inside the vehicle. Agent Clauer recognized the marihuana by appearance and smell.

9. Law enforcement read Walton the Miranda rights, and Walton said he understood them, waived them, and agreed to speak with agents.

10. Walton said the firearm belonged to Lorenzo Elem, and he was bringing the firearm to Elem when the Deputy Marshals arrived. Walton said he picks the firearm up every night from Elem, and brings it back to Elem every morning. Walton said Elem is on parole and did not want the firearm in his residence at night. Walton identified the marihuana as his own.

11. A criminal history record check of Walton revealed that he is a convicted felon, and as such, federal law prohibits him from possessing firearms and firearm ammunition. His felony

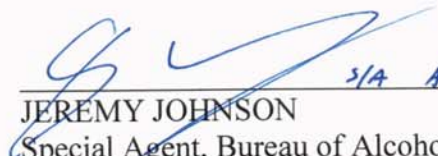
convictions include Unlawful Possession of a Firearm by a Previously Convicted Felon obtained on February 27, 2012, in the United States District Court for the Southern District of Illinois, Case No. 3:11-CR-30088, a crime punishable by imprisonment for a term exceeding one year.

12. Walton acknowledged his status as a convicted felon and said he knew he was not supposed to possess a firearm. Walton also acknowledged his prior federal conviction for being a felon in possession of a firearm.


13. The firearm is a Taurus, Model PT111 G2, 9mm, semi-automatic pistol, bearing serial number TJX18190. The firearm was not manufactured in the State of Illinois, and necessarily affected interstate and/or foreign commerce to be in Walton's possession on September 18, 2019.

14. Revealing the contents of this Criminal Complaint could endanger Walton because he provided incriminating information about Lorenzo Elem. Accordingly, I respectfully request that this Criminal Complaint remain sealed until further order of the Court.

FURTHER AFFIANT SAYETH NAUGHT.


S/A ATF
JEREMY JOHNSON
Special Agent, Bureau of Alcohol, Tobacco,
Firearms and Explosives

Criminal Complaint reviewed by:


for
KIT R. MORRISSEY
Assistant United States Attorney

State of Illinois)
) SS.
County of St. Clair)

Sworn to before me, and subscribed in my presence on the 19th day of September
2019, at East St. Louis, Illinois.

  Digitally signed by Judge Beatty
Date: 2019.09.19 10:55:23 -05'00'

MARK A. BEATTY
United States Magistrate Judge